

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN SHABAZZ PALMER,

Plaintiff,

-against-

CITY OF NEW YORK; NYC DEPARTMENT
OF CORRECTIONS,

Defendants.

22-CV-5333 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 1, 2022, the Court directed Plaintiff to file an amended complaint within sixty days.¹ That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* (IFP) under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim on which relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

¹ On July 5, 2022, the court received from Plaintiff a complaint dated May 24, 2022, the same date that Plaintiff signed the complaint in this action, naming the same defendants and asserting the same claims. *See Palmer v. New York City*, No. 22-CV-5817 (S.D.N.Y. Sept. 2, 2022). By order dated September 2, 2022, Chief Judge Laura Taylor Swain dismissed that case as duplicative of this case. *Palmer*, ECF 1:22-CV-5817, 4.

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: November 4, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge